

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ORIGINAL
U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION
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HYE CHA SALES and
REVEREND PHILLIP M. SALES,

Plaintiffs,

vs.

PIEDMONT PROPERTY OWNERS
ASSOCIATION, INC. and
PIEDMONT LAKE, LLC,

Defendants.

Civil Action No.

4 : 0 3 -cv- 1 5 1 -1 (CDL)

COMPLAINT

COME NOW Plaintiffs Hye Cha Sales and Reverend Phillip M. Sales, by and through their undersigned counsel, and plead as follows.

I. PRELIMINARY STATEMENT

1. Plaintiffs file this suit against Defendants for a discriminatory housing practice in violation of the Fair Housing Act ("FHA"), as amended, 42 U.S.C. §§ 3601 *et seq.*

II. JURISDICTION AND VENUE

2. The federal question jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.
3. Plaintiffs are residents of Harris County, State of Georgia, and submit to the jurisdiction of this Court by filing suit.

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4. Defendant Piedmont Property Owners Association, Inc., is a Georgia corporation subject to the jurisdiction of this Court.
5. Service of the Summons and Complaint in this matter may be perfected on Defendant Piedmont Property Owners Association, Inc., through its registered agent George E. Elmore, 8962 Highway 27, Pine Mountain, Georgia 31822.
6. Defendant Piedmont Lake, LLC, is a Georgia corporation subject to the jurisdiction of this Court.
7. Service of the Summons and Complaint in this matter may be perfected on Defendant Piedmont Lake, LLC, through its registered agent James R. Warner, 1601 13th Street, Columbus, Georgia 31901.
8. All of the acts and omissions complained of herein occurred within the Middle District of Georgia.
9. Accordingly, venue is proper in this Court.

III. PARTIES

10. Defendant Piedmont Property Owners Association (“the Homeowners’ Association”) is an association of residents of the Piedmont Lake Subdivision (“the Subdivision”), Pine Mountain, Georgia, which, among other things, regulates construction on and improvements to properties in the Subdivision.

11. Defendant Piedmont Lake, LLC (“the Seller”), owns and sells lots in the Subdivision.
12. Plaintiff Hye Cha Sales (“Mrs. Sales”) owns a lot and home in the Subdivision and resides there with her husband, Plaintiff Reverend Phillip M. Sales, an African American (“Reverend Sales”).

IV. FACTUAL ALLEGATIONS

13. On or about November 1999, Mrs. Sales entered into a contract to purchase a lot abutting the lake in the Subdivision on which she and Reverend Sales proposed to build a home and boat house with dock.
14. Prior to closing on the lot, upon learning that Mrs. Sales’ husband is an African American, the Seller and realtor tried to persuade Mrs. Sales to purchase a different lot, which had an obstructed view of the lake, claiming that a group of friends wanted to buy several adjacent lots, including the lot Mrs. Sales had chosen.
15. Mrs. Sales did not agree to purchase the less desirable lot and closed on the lot she had originally selected.
16. The Purchase and Sales Agreement for the Sales’ home included the conveyance of a lifetime membership to nearby Callaway Gardens in exchange for \$500.

17. In March 2001, Mrs. Sales was notified that new lifetime memberships were being suspended.
18. All other buyers who, like Mrs. Sales, had purchased a lot, not previously owned, directly from the Subdivision received such a lifetime membership to Callaway Gardens.
19. Reverend and Mrs. Sales chose Michael Brookins, a builder and resident of the Subdivision ("the Builder"), to design the plans for their home.
20. The Builder submitted the plans to the Homeowners' Association's Architectural Review Committee ("the Committee").
21. On or about April 2002, the Committee approved the Sales' plans.
22. The following week, the Committee rescinded its approval of the plans.
23. The Committee approved the plans only after Reverend Sales complained to the Homeowners' Association's Board.
24. The Committee continued to impede the construction of the Sales' home including, but not limited to, stopping subcontractors from cutting down trees on the property without talking to the Sales or their contractor, requiring the addition of a window to the building plans, and denying the Sales' proposal to build a pool and boathouse.

25. In September 2002, the Committee finally approved the Sales' plans for a pool and boathouse.
26. Nonetheless, the Sales continued to be harassed by the Committee including, but not limited to, citations for silting and erosion problems, incomplete site plan, tree removal, gravel driveway from the home to the lake and cinder block construction on pool house and main house.
27. Other homeowners were not cited for such issues.
28. The Homeowners' Association, through its Committee, and the Seller have discriminated against Plaintiffs in the terms, conditions and privileges of the sale of Mrs. Sales' lot because Reverend Sales is an African American.

COUNT I

DISCRIMINATORY HOUSING PRACTICE IN VIOLATION OF THE FHA

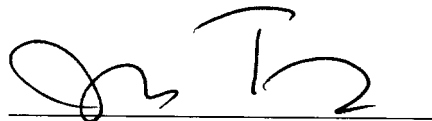
29. Plaintiffs restate and re-allege paragraphs 1 through 28 of the Complaint as if fully set forth herein.
30. By the conduct stated, Defendants have violated the FHA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment for them as to the claim described above, and:

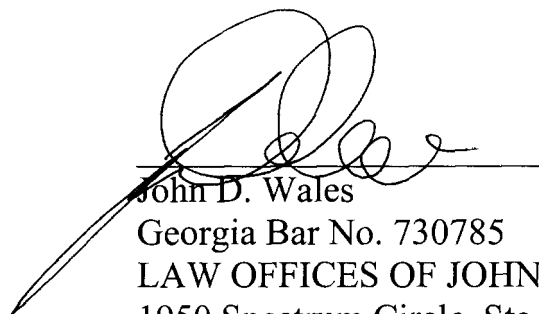
- a) Award Plaintiffs actual, compensatory and punitive damages to the maximum allowable under the FHA;
- b) Enjoin Defendants from their discriminatory housing practices;
- c) Award Plaintiffs their attorneys' fees and costs incurred in this action;
- e) Reinstate Plaintiffs' membership to Callaway Gardens;
- f) Award Plaintiffs such other equitable relief that this Court deems just and proper; and
- g) Grant Plaintiffs a trial by jury.

Respectfully submitted, this 24th day of October, 2003.



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[SIGNATURES CONTINUE ON NEXT PAGE]

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John D. Wales

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